

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  RUSCHKE, Hans E. Ruschke Hartmann Becker Pienzenauerstr.2 D-81679 München ALLEMAGNE	<b>RUSCHKE HARTMANN BECKER</b> ANWALTSSOZIETÄT W V. 1.9.2004 /nr 02. JUL 2004 FRIST TERM EINGANG RECEIVED <i>WV. 1.9.2004 /nr 02. JUL 2004 FRIST TERM EINGANG RECEIVED</i>
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**PCT**

WRITTEN OPINION

(PCT Rule 66)

		Date of mailing (day/month/year)      01.07.2004
Applicant's or agent's file reference J1572HO		<b>REPLY DUE</b> <b>within 3 month(s)</b> from the above date of mailing
International application No. PCT/US 03/33396	International filing date (day/month/year) 21.10.2003	Priority date (day/month/year) 25.10.2002
International Patent Classification (IPC) or both national classification and IPC C11D3/37		
Applicant JOHNSON DIVERSEY, INC. et al.		

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I  Basis of the opinion
  - II  Priority
  - III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV  Lack of unity of invention
  - V  Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI  Certain documents cited
  - VII  Certain defects in the international application
  - VIII  Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.
 

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 25.02.2005

Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Pentek, E  Formalities officer (incl. extension of time limits) Hanrieder-Kreuzer, K Telephone No. +49 89 2399-8081
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**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-34 as originally filed

**Claims, Numbers**

1-10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5.  This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

**WRITTEN OPINION**International application No. PCT/US 03/33396

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Novelty (N)	Claims	1-3,7-10
Inventive step (IS)	Claims	1-3,7-10
Industrial applicability (IA)	Claims	

**2. Citations and explanations****see separate sheet**

**WRITTEN OPINION  
SEPARATE SHEET**

International application No. PCT/US03/33396

1. An aqueous detergent composition comprising from 0.05 to 10 wt% of an amino-modified organopolysiloxane, from 0.1 to 30 wt% of a nonionic surfactant and from 0.1 to 20 wt% of a chelating agent is already known from documents US-B-6 221 833 (D1): example 3, and EP-A-0 353 388 (D2): claim 19.
2. The subject-matter of dependent claims 2, 3 and 7 to 10 is also known from at least one of D1 and D2. Concerning dependent claims 9 and 10, they do not contain additional technical features to claim 1 as they relate to a product (detergent composition) while the additional informations provided therein concern a use.
3. The subject-matter of dependent claim 4 to 6 appears to be novel and inventive as none of the documents cited in the search report suggests the use in a detergent composition of a polyetheramide-modified organopolysiloxane compound for providing anti-soiling benefits to hard surfaces.